

2011 DRAFTING REQUEST

Bill

Received: **09/16/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Luke Hilgemann**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - fish and game**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Suder@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wolf hunting and trapping

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 09/22/2011			_____			State
/P1	mglass 10/10/2011	mduchek 10/18/2011	rschluet 10/20/2011	_____	sbasford 10/20/2011		State
/P2	mglass 01/04/2012	mduchek 01/09/2012	rschluet 01/10/2012	_____	sbasford 01/10/2012		State
/P3	mglass 01/20/2012	mduchek 01/23/2012	rschluet 01/23/2012	_____	sbasford 01/23/2012		State

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/1	mglass 01/25/2012	jdye 01/26/2012	jmurphy _____ 01/26/2012 _____		ggodwin 01/26/2012	ggodwin 01/26/2012	

FE Sent For:

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1-27-12

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/P1	mglass 10/10/2011	mduchek 10/18/2011	rschluet 10/20/2011		sbasford 10/20/2011		State
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FE Sent For:

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P3
1/23/12
1/20/12
SM

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Requester's email: **Rep.Suder@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

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Topic:

Wolf hunting

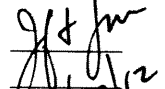
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See attached

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FE Sent For:

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Gibson-Glass, Mary

From: Lundgren, Doug
Sent: Tuesday, December 20, 2011 1:54 PM
To: Gibson-Glass, Mary; Hilgemann, Luke
Subject: LRB 2926

Suder's office

Hi Mary,

Roger would like to turn over lead of the Wolf bill to Rep. Suder. Please let me know if you have any questions.

Thanks,
deej

DJ Lundgren

Office of Representative Roger Rivard
75th State Assembly District
Phone: 608.266.2519
Fax: 608.282.3675
E-mail: dlundgre@legis.wi.gov

2011 DRAFTING REQUEST

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Received: **09/16/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Roger Rivard (608) 266-2519**

By/Representing: **Larry Konopacki**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - fish and game**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Rivard@legis.wi.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given


Topic:

Wolf hunting

Instructions:

See attached

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Drafter: rkite

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Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Rivard@legis.wi.gov

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FE Sent For:				<END>			

Drafting Instructions for Wolf Harvest Season

Requestor: Rep. Rivard (DJ Lundgren)

Please draft a bill that would Create a public harvest system for wolves that is to occur when the statewide wolf population is estimated to be above the goal population described in the state's wolf management plan as adopted by the DNR.

- ☐ • Condition the wolf harvest system on the removal of the wolf in Wisconsin from the federal endangered or threatened species list. ✓
- ✓ ☒ • Only WI residents may apply for/receive a wolf hunting or trapping license. ✓
- ☒ ⁵ • Hold the wolf harvest season from October 15 through the last day of February. ✓
- ☐ • The application fee for a wolf hunting or trapping license is \$10 and the license fee is ☒ \$100. Use these fees to pay for wolf damage payments and use the remaining amount for wolf and other wildlife management.
- ☐ • Require DNR to establish a cumulative preference point system for harvest tags for when there are more applicants than available harvest tags. Allow a person to choose to be in the drawing for a harvest tag or choose to receive a preference point. Issue preference points to applicants who choose to be in the drawing for a harvest tag but are not issued a harvest tag. Issue harvest tags based on cumulative preference point priority. Require application at least once every 3 years to maintain cumulative preference.
 - Allow applicants who are successful in a drawing for a tag to transfer the tag to another hunter. Allow a hunter to receive a transferred tag only once in his or her lifetime.
 - Allow a person who is successful in the harvest permit drawing to choose not to buy a harvest permit if they will be on active duty with the military during any part of the wolf harvest season. Such a person would retain their previous preference point status plus one point for the application in the then-current year.
- ☒ • Prohibit payments from damage funds for injuries or death to hounds that are used in wolf hunting or other canine hunting.
- ^H ☒ • Harvest methods include predator calling (including electronic calls), use of hounds, trapping (including with the use of snares) and baiting (no animal parts or animal byproducts other than scents are allowed).
 - ✓ ○ With respect to hound hunting, apply the 6-pack rule similar to bear hunting and do not allow training of hounds by pursuing wolves.
 - ✓ ○ Hound hunting is not allowed until the Monday following the regular gun deer season
 - Firearms, bows, crossbows, muzzleloaders allowed.
 - All weapons / weapons characteristics allowed for deer hunting are allowed for wolf hunting – rifles, shotguns firing slugs, handguns, bows, crossbows (for all hunters), and muzzleloaders are all allowed.
 - ☐ ▪ In addition, shotguns firing shot shells may be used – specify that a person hunting a wolf may possess and use shotgun shells loaded with shot larger than size BB.
 - ✓ ○ Hunting is allowed at night, beginning the Monday after the regular gun deer season.

Baiting

- ✓ • Allow any person to assist a person with a wolf hunting license if the person holds a valid small game license.
- ☐ • Authorize DNR to reserve a percentage of harvest permits attributable to wolves expected to be in the Chippewa Ceded Territory for Chippewa tribal harvest as required by law. 13.035
- ☐ • Allow the DNR to limit the number of harvest tags issued and to divide the state into no more than 4 wolf management zones, and require that no area of the state not be included in a wolf management zone.
- ☐ • Provide that a wolf harvest tag authorizes wolf harvest in any wolf management zone, subject to DNR closure of a wolf management zone after a quota has been harvested in that zone (see below).
- ☐ • Require the DNR to issue a carcass tag to be immediately validated and affixed to a harvested wolf in the manner prescribed by the DNR. Do not authorize DNR to issue a wolf hunting backtag.
- ✓ • Require registration of harvested wolves by phone or online.
- Allow DNR to close a wolf management zone to further harvest after a quota of wolves harvested has been filled; closure may not occur earlier than 24 hours after the DNR posts the closure to its website, notes the closure on its telephone registration system, and notifies the press of the closure.
- ☐ • Require radio telemetry equipment found on harvested wolves is to be returned to the DNR. The DNR is to provide hunters and trappers who return telemetry equipment found on a harvested wolf with any information that the DNR has on that particular animal.
- Authorize sale of wolf parts and hides.
- ✗ • Remove coyote hunting restriction in northern WI during deer season ONLY for wolf harvest tag holders.

35 / COYOTE
↑
WOLF



State of Wisconsin
2011 - 2012 LEGISLATURE

Soon
in 10/10

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LRB-2926

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P1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

* Check spacing

1 AN ACT ^{Gen} relating to: hunting and trapping of wolves and making an
2 appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources (DNR) to issue wolf harvesting licenses if the wolf is removed from the U.S. and Wisconsin lists of endangered and threatened species. Under the bill, only state residences may be issued a license. The license authorizes both the hunting and trapping of wolves.

the end of

The bill requires that there be a single annual season for hunting and trapping from October 15 through February. Under the bill, the department may limit the number of licenses issued and the number of wolves to be harvested. A wolf harvest license authorizes hunting and trapping throughout the state unless DNR closes an area in order to effectively manage the state's wolf population. DNR

Under the bill, if the number of persons applying for a wolf harvesting license exceeds the number of licenses that will be issued, the department shall issue the licenses based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for, but who were not issued, a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. Under the preference system, a person may elect to apply for a preference point instead of a license in a given year. Each person receiving a license will receive one tag.

The bill allows a resident or nonresident holder of a small game license to assist a person with a wolf harvesting license in hunting wolves, but the holder of the small game license may not shoot, take, catch, or kill a wolf. The bill specifies the types of

for wolf hunting
also allows
allows
for wolf hunting

firearms that may be used and the use of bows and arrows and crossbows. A crossbow may be used by any person holding a wolf harvesting license. For hunting wolves, the bill allows the use of dogs for part of the season, and the baiting of wolves with bait other than animal byproducts except for liquid scents. Hunting wolves at night is also authorized for part of the season.

STET
leave
this
sentence
in.

The bill also requires that the fees paid for wolf harvesting licenses be used for wolf management and control activities.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.370 (1) (Lv) of the statutes is created to read:

20.370 (1) (Lv) *Wolf management.* All moneys received from the ~~sale~~ ^{issuance} of wolf harvesting licenses under s. 29.185 for wolf control under s. 29.885 and for wolf management activities.

SECTION 2. 29.171 (4) (b) (intro.) of the statutes is amended to read:

29.171 (4) (b) (intro.) Except as provided in par. (bc), crossbows used in hunting as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b), 29.182 (3) (a), 29.184 (3) (c), 29.185 (5), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216 (2) shall meet all of the following specifications:

History: 1973 c. 90 s. 538; 1977 c. 232; 1979 c. 34; 1983 a. 27; 1985 a. 270; 1987 a. 353; 1989 a. 31; 1991 a. 39, 77; 1995 a. 293; 1997 a. 27, 168; 1997 a. 248 ss. 231 to 235; Stats. 1997 s. 29.171; 1997 a. 249 s. 25; 1999 a. 32; 2001 a. 18, 109; 2005 a. 285, 387; 2009 a. 119; s. 35.17 correction in (4) (b) (intro.).

SECTION 3. 29.185 of the statutes is created to read:

29.185 Wolf harvesting licenses. (1) DEPARTMENT AUTHORITY. If the wolf ceases to appear on the U.S. list of endangered and threatened species, as it applies to this state, and ceases to appear on the list of endangered and threatened Wisconsin species that is established under s. 29.604 (3) (a), the department shall regulate the hunting and trapping of wolves as provided in this section. In regulating wolf hunting and trapping, the department may limit the number of wolf hunters and

1 trappers and the number of wolves that may be taken by issuing wolf harvesting
2 licenses.

3 (2) LICENSES REQUIRED. (a) *Prohibition*. Except as authorized under a wolf
4 harvesting license, no person may hunt or trap a wolf. Only residents are eligible for
5 wolf harvesting licenses.

6 (b) *Small game hunting licenses*. A person who holds a resident or nonresident
7 small game hunting license may assist a person holding a wolf harvesting license in
8 the hunting of wolves by tracking or trailing wolves or by baiting wolves. A person
9 holding such a small game hunting license may not shoot, shoot at, take, catch, or
10 kill a wolf.

11 (c) *Resident archer licenses and trapping licenses*. Notwithstanding ss. 29.171
12 (2) and 29.241 (3), a resident archer license and a trapping license do not authorize
13 the hunting or trapping of wolves.

14 (3) ISSUANCE OF LICENSES. (a) *Issuance; generally*. Except as provided in par.
15 (b), if the department establishes ^{an} open season⁽⁴⁾ as provided under sub. (4), the
16 department, subject to ^{ss.} 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting
17 license to each person who applies for the license, and who pays the required fees for
18 the license.

19 (b) *Cumulative preference system*. In issuing wolf harvesting licenses under
20 this subsection, the department shall determine the number of licenses that will be
21 available for a given year. If the number of qualified applications for wolf harvesting
22 licenses exceeds the number of licenses that are available, the department shall
23 select the applicants to be issued the license based on a cumulative preference
24 system. The system shall establish preference categories for those applicants who
25 applied for but who were not issued a wolf harvesting license in previous seasons,

(1) with higher preference given to those applicants with more preference points. If the number of applicants within a preference category exceeds the number of wolf harvesting licenses available in the category, the department shall select at random within the category the applicants to be issued the licenses. For each season, the department shall allow each applicant to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for license but who is not selected.

An Applicants who apply^{ies} for either a preference point or a license at least once during any 3 consecutive years shall remain^{retain his or her} eligible under the system. Under the system, an applicant who did not receive a license for a given season will receive a preference point.

acquired
preference points

(d) *Preference system; on receipt of license.* A applicant who is selected to receive a wolf harvesting license under the cumulative preference^{system} (season) established under par. (c) may elect to receive a preference point instead of a license if he or she serving on active duty in the U.S. armed forces or national guard during all or part of the wolf harvesting season for which the license is issued.

(e) *Preference system; transfer of license.* A person who is issued a wolf harvesting license under this^{sub} section may transfer the license to another a person who is qualified to receive a wolf harvesting license and shall also transfer the accompanying carcass tag. A person may receive a transferred license only once in his or her lifetime.

(4) SEASONS; ZONES. (a) The department shall establish ^{a single} annual open season for both hunting and trapping wolves that begins on October 15th of each year and ends on the last day of February of the following year.

(b) The department shall divide the entire state into wolf harvesting zones. The total number of zones may not exceed 4. Each zone shall be open to both hunting and trapping, except as provided in par. (c). A wolf harvesting license ^{license} authorizes its holder to hunt or trap or both in any of the zones.

(c) The department may close a wolf harvesting zone to either hunting or trapping or both if the department determines that the closure is necessary to effectively manage the state's wolf population. Closure of a wolf harvesting zone ^{by the department} may not take effect until at least 24 hours after DNR has done all of the following:

1. Posted notice of the closure on its Internet website.
2. Announced the closure on its telephone registration system.
3. Issued a press release announcing the closure.

(5) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES (a) *Authorization; hunting.*
A wolf harvesting license authorizes the hunting ^{of} wolves by using any of the following:

1. A firearm, as authorized under par. (b) ^{by} a bow and arrow, or a crossbow.
2. Dogs to track or trail wolves, subject to par. (c).
3. Predator calls, including electronic calls.
4. Bait that does not involve of animal parts or animal byproducts, other than liquid scents. *muzzle-loading firearms*

(b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting with a rifle, a ~~muzzle-loader~~ ^{muzzle-loading} handgun, a shotgun that fires slugs, and any other firearm that is loaded with a single slug or ball. A wolf harvesting license authorizes hunting with shotshells containing shot that is larger than size BB.

1 (c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the
2 first Monday that follows the last day of the regular season that is open to hunting
3 deer with firearms and ending on the last day of February of the following year.

4 2. No more than 6 dogs in a single pack may be used to trail or track a wolf[^]
5 regardless of the number of hunters assisting the holder of the wolf harvesting
6 license.

7 3. While a person is using a dog to hunt wolf[^], the person shall keep on his or
8 her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2)[^] or 174.07
9 (1) (e).

10 (d) *Hunting at night.* A person may hunt wolves during nighttime beginning
11 with the first Monday that follows the last day of the regular season that is open to
12 hunting deer with firearms and ending on the last day of February of the following
13 year. The prohibitions under s. 29.314 (4) and (5) against shining wild animals do
14 not apply to the hunting of wolves as authorized under ^{g this section} ~~s. 29.185~~. A county ordinance
15 enacted under s. 29.314 (6) may not apply to the hunting of wolves as authorized
16 under ^{g this section} ~~s. 29.185~~. ^{Ital.} Inapplicability of restrictions.

17 (e) A person who is hunting as authorized under a wolf harvesting license is not
18 subject to any restrictions relating to hunting seasons, zones, or times that the
19 department imposes on the hunting of coyote.

20 ^{lf} (g) *Authorization; trapping.* A wolf harvesting license authorizes the use of
21 snares for trapping wolves.

22 (6) TAGS; REGISTRATION. (a) The department may not issue back tags to persons
23 who hold wolf harvesting licenses or who are assisting holders of wolf licenses as
24 authorized under sub. (2) (b).

1 (b) The department shall issue one wolf carcass tag to each person who is issued
2 a wolf harvesting license under ^{sub. (3)} ~~this section~~. Each holder of a wolf harvesting license
3 who kills a wolf shall immediately validate and attach the carcass tag to the wolf.
4 No person may possess, control, store, or transport a wolf carcass unless it is tagged
5 as required under this paragraph. The carcass tag shall be attached and validated
6 in the manner required by the department. A person who kills a wolf shall register
7 the carcass with the department on a telephone registration system or through an
8 electronic notification system established by the department. The carcass tag may
9 not be removed before registration. The removal of a carcass tag from a wolf before
10 registration results in the wolf being untagged.

11 (c) A person who harvests a wolf that has an attached or implanted radio
12 telemetry device shall return the device to the department. DNR shall inform the
13 person, upon his or her request, of any information that has been collected through
14 the telemetry device or otherwise by the department that relates that the wolf that
15 was harvested.

16 **SECTION 4.** 29.563 (4) (a) 3. of the statutes is created to read:

17 29.563 (4) (a) 3. Wolf harvesting license: \$99.25.

18 **SECTION 5.** 29.563 (14) (a) 3. of the statutes is amended to read:

19 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses
20 and wolf harvesting licenses: \$9.75.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33; 2005 a. 22, 25, 55, 284, 288; 2007 a. 20; 2009 a. 28, 39, 364.

21 **SECTION 6.** 29.563 (14) (c) 3. of the statutes is amended to read:

22 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
23 hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting
24 license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat

1 hunting and trapping permit, otter trapping permit, fisher trapping permit, or
2 sturgeon fishing permit: 25 cents.

History: 1997 a. 248; 1999 a. 9, 32, 47, 63, 186; 2001 a. 16, 17, 56, 109; 2003 a. 33; 2005 a. 22, 25, 55, 284, 288; 2007 a. 20; 2009 a. 28, 39, 364.

SECTION 7. 71.10 (5) (am) of the statutes is repealed.

4 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

Date

LRB-2926/fin
MGG:.....

med

P1

1. The once-in-3-year provision in ^{created} s. 29.185 (3) (b) is different from similar provisions in the statutes. Please review to make sure it achieves the desired intent.
2. In ^{created} s. 29.185 (5) (d) the word "nighttime" is used. The definition for "nighttime" under s. 990.01 (23) applies to ^{created} s. 29.185 (5) (d). Let me know if you do not want to incorporate this definition.
3. Please review s. 29.337. Do you want a landowner to be able to hunt wolves without a license?
4. The sale of wolf hides and carcasses will be legal if a harvesting season is established.
- * See s. 29.539 (1m) (b). A wolf is defined as a fur-bearing animal. See s. 29.001 (3).
5. Do you want a fee for issuing a duplicate license? As drafted, the default duplicate fee under s. 29.563 (12) (c) 4. would apply.
6. As to the provisions regarding damage done by wolves, I did not include a provision regarding damage to dogs because I am unaware of any "damage funds" administered by DNR that pays claims for injury to dogs unless dogs are interpreted to be "livestock". If you are aware of a provision in current law that needs to be addressed please let me know. As drafted, the wildlife damage surcharge under s. 29.563 (13) will not be added to the fees for a wolf harvesting license, and wolf damage will not be covered by the claim and abatement program under which landowners receive assistance. See s. 29.889. As drafted, the base fees collected for wolf harvesting licenses will go to the damage control program under s. 29.885, which is administered by the department, and other wolf management activities. See s. 20.370 (1) (Lv), as created in this draft.
- * As drafted, the processing/application fee for wolf harvesting applications under s. 29.563 (14) (a) 3. will go into the conservation fund, without being earmarked for wolf management activities. Please let me know if you want any changes.
7. Do you want a specific penalty related to wolf harvest in s. 29.971?
8. Under ss. 29.977 ^{list} and 29.983, the amount of money available as civil damages or wildlife protection surcharges will change if the wolf is removed from the endangered and threatened species. Right now, the amount under both sections for endangered and threatened species is \$875. See ss. 29.977 (1) (a) and 29.983 (1) (b) 1. If wolves are

removed from the list, the amount will drop to \$17.50. See ss. 29.977 (1) (m) and 29.983 (1) (b) 13. OK?

9. I did not drafting ^g anything ^g language regarding reserving licenses for Chippewa tribal members because it appears to me that this is covered by NR 13.035 adm. code. If you want additional language, please let me know. 3 3

10. Do you want any ^{g procedures} emergency rule-making authority or exemption from rule-making authority for establishment of the hunting zones? There may be other wolf harvesting regulation, besides establishing zones, that DNR may do by rule. Please let me know if you want any changes.

11. Do you want a delayed effective date?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2926/P1dn
MGG:med:ph

October 18, 2011

1. The once-in-3-year provision in created s. 29.185 (3) (b) is different from similar provisions in the statutes. Please review to make sure it achieves the desired intent.
2. In created s. 29.185 (5) (d) the word "nighttime" is used. The definition for "nighttime" under created s. 990.01 (23) applies to created s. 29.185 (5) (d). Let me know if you do not want to incorporate this definition.
3. Please review s. 29.337. Do you want a landowner to be able to hunt wolves without a license?
4. The sale of wolf hides and carcasses will be legal if a harvesting season is established. See s. 29.539 (1m) (b). A wolf is defined as a fur-bearing animal. See s. 29.001 (30).
5. Do you want a fee for issuing a duplicate license? As drafted, the default duplicate fee under s. 29.563 (12) (c) 4. would apply.
6. As to the provisions regarding damage done by wolves, I did not include a provision regarding damage to dogs because I am unaware of any "damage funds" administered by DNR that pays claims for injury to dogs unless dogs are interpreted to be "livestock". If you are aware of a provision in current law that needs to be addressed please let me know. As drafted, the wildlife damage surcharge under s. 29.563 (13) will not be added to the fees for a wolf harvesting license, and wolf damage will not be covered by the claim and abatement program under which landowners receive assistance. See s. 29.889. As drafted, the base fees collected for wolf harvesting licenses will go to the damage control program under s. 29.885, which is administered by the department, and other wolf management activities. See s. 20.370 (1) (Lv), as created in this draft. As drafted, the processing/application fee for wolf harvesting applications under s. 29.563 (14) (a) 3. will go into the conservation fund, without being earmarked for wolf management activities. Please let me know if you want any changes.
7. Do you want a specific penalty related to wolf harvest in s. 29.971?
8. Under ss. 29.977 and 29.983, the amount of money available as civil damages or wildlife protection surcharges will change if the wolf is removed from the endangered and threatened species list. Right now, the amount under both sections for endangered and threatened species is \$875. See ss. 29.977 (1) (a) and 29.983 (1) (b) 1. If wolves are

removed from the list, the amount will drop to \$17.50. See ss. 29.977 (1) (m) and 29.983 (1) (b) 13. OK?

9. I did not draft any language regarding reserving licenses for Chippewa tribal members because it appears to me that this is covered by NR 13.035 Adm. Code. If you want additional language, please let me know.

10. Do you want any emergency rule-making authority or exemption from rule-making procedures for establishment of the hunting zones? There may be other wolf harvesting regulation, besides establishing zones, that DNR may do by rule. Please let me know if you want any changes.

11. Do you want a delayed effective date?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

for / P2

From: Konopacki, Larry
Sent: Thursday, December 29, 2011 11:42 AM
To: Gibson-Glass, Mary
Cc: Fladeboe, David; Hilgemann, Luke
Subject: FW: LRB 2926/P1

Hi Mary, per our discussion yesterday, the following are the requested changes to LRB 2926/P1. The Rep. Suder office gave you permission to consult with me or Tim Andryk at DNR (4-9228) about this draft.

- Under s. 29.185 (1) of the bill, instead of conditioning the department's action on the wolf "ceasing to appear" on the ETR lists, condition the department's action on the wolf not then being listed on either list, in case the wolf's listing status changes over time. *Also require that the season begin in 2012 if the conditions under s. 29.185 (1) are met.*
- With respect to your third point in your drafter's note, please allow wolf hunting without a license by landowners/occupants/family members as provided under s. 29.337, in wolf harvesting zones not closed under s. 29.185 (4) (c), during the month of February. Require reporting of wolf kills to DNR in the same way reporting is required of licensed hunters.
- Allow non-residents to apply for and receive wolf licenses - set the non-resident application fee at the same cost as residents and set the non-resident license fee at \$500 (\$499.25?).
- Segregate all funds from wolf license fees and wolf hunting and trapping application fees for the following purposes: First, to cover wolf depredation payments. Of funds remaining after depredation payments are made, for wolf management and control. Money not allocated to these purposes should be deposited in the conservation fund.
- Damage payments for wolf depredation should continue to be made as conducted under current law until revenues from wolf hunting and trapping application fees have been collected.
- Damage payments may not be paid for dogs that are harmed or killed while actively being used to hunt wolves.
- Remove the limit on the number of times that a person may receive a transferred tag under s. 29.185 (3) (d).
- Provide the DNR with broad emergency rulemaking authority, without a finding of an emergency, to implement the requirements of the bill in time for the 2012 hunting and trapping seasons. Allow the emergency rules to remain in place until the permanent rules go into effect.
- Also provide emergency rulemaking authority, without a finding of an emergency, for the DNR to eliminate any closure of the coyote season during the gun deer season, and allow those emergency rules to remain in effect until permanent rules go into effect. *not rule making authority*
- Under s. 29.185 (5) (b), replace the phrase "a shotgun that fires slugs" with "a shotgun that fires slugs or shotshells" and replace the second sentence of that paragraph with a general authorization for a person hunting wolves to possess shot larger than size BB.
- Provide that for purposes of the authority to shoot across a roadway under s. 167.31 (4) (e), a wolf is a small game animal and the BB shot size restriction does not apply to a wolf hunter.
- Per your drafter's note #8, set the civil damages and wildlife protection surcharge for wolves the same as for bobcat, fox, beaver, and otter: \$87.50.

Thanks, and please let me know if you have any questions.

Larry

Larry A. Konopacki
Wisconsin Legislative Council

*private
hunting*

bureau federation.

NR 12.54 - ANNOT.



Note: The list of maximum allowable claims will be available from the Bureau of Endangered Resources, P.O. Box 7921, Madison, WI 53707-7921.

NR 12.54(2)(am)



(am) *Hunting dogs and pets.* The department shall reimburse the claimant the fair market value based upon recent sale records for similar animals of hunting dogs or pets killed by E/T species or wolves up to a maximum of \$2,500 per animal.

NR 12.54(2)(b)



(b) *Veterinary expenses.* The department shall pay for all veterinary expenses incurred in the treatment of livestock, hunting dogs or pets injured by E/T species or wolves. If the animal dies from the injury, the veterinary treatment costs shall be paid in addition to the fair market value of the animal. If the animal does not die, only the veterinary treatment costs shall be paid. A detailed receipt shall be submitted to the department within 14 days of paying the veterinarian bill.

NR 12.54(2)(c)



(c) *Missing calves.* The department shall reimburse the claimant for missing calves beyond those that would be lost according to the normal mortality rate determined by U.S. department of agriculture and that research has shown to be attributed to wolf depredation when all of the following criteria are met:

NR 12.54(2)(c)1.



1. The claimant tags all calves within 2 weeks of birth and provides a list certifying to the department an exact count at the beginning of the grazing season including information on the tag number, date and sex of all calves.

NR 12.54(2)(c)2.



2. The claimant records and provides a list certifying to the department an exact count of all calves rounded up at the end of the grazing season and a list of all tagged calves determined to be missing.

NR 12.54(2)(c)3.



3. The claimant provides a list certifying to the department all known deaths and losses of calves during the grazing season.

NR 12.54(2)(c)4.



4. The department has documented that at least one livestock loss on the claimant's property within the same grazing season that is verified as a confirmed or probable wolf depredation and there is evidence that wolves continued to be present on the property during that period of time.

NR 12.54(2)(c)5.



5. The claimant certifies that they will cooperate with any research conducted by the department to determine the amount of mortality of missing calves that is caused by wolves, if such cooperation does not impact the claimant economically in a significant manner or impose an unreasonable burden or hardship on the claimant. Disputes as to whether claimants are impacted economically in a significant manner or what is an unreasonable burden or hardship shall be resolved by the panel of 3 agricultural experts identified in par. (a).

NR 12.54 - ANNOT.



Note: The U.S. department of agriculture calculates the normal calf mortality rate for beef cow-calf operations nationwide. In 2003 that rate was 2.3%. The department will conduct scientific field research in Wisconsin to determine how much mortality to missing calves can be attributed to wolves.

NR 12.54(3)



(3) INSURANCE. The department shall reimburse owners for losses due to E/T species or wolf depredation regardless of any other insurance the owner may have on the animals that were killed or injured.

NR 12.54 - ANNOT.



History: CR 05-004: CR 05-005: cr. Register October 2005 No. 598, eff. 11-1-05.

NR 12.55



NR 12.55 Personal property. The department may not provide compensation for damage done by E/T species or wolves to personal property other than livestock, hunting dogs and pets.

NR 12.55 - ANNOT.



History: CR 05-004: CR 05-005: cr. Register October 2005 No. 598, eff. 11-1-05.

CHAPTER NR 13



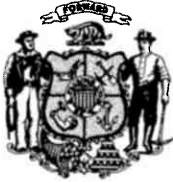
Gibson-Glass, Mary

From: Konopacki, Larry
Sent: Tuesday, January 03, 2012 1:44 PM
To: Gibson-Glass, Mary
Cc: Andryk, Tim A - DNR; Fladeboe, David; Hilgemann, Luke
Subject: Coyote season

Hi Mary, could you please add the following to the bill, and leave s. 29.337 (1) (b) as it is under current law?
Thanks!

"s. 29.184 (4) (d) - The department may close a wolf harvesting zone to hunting of coyotes during a gun deer season if the department determines that the closure is necessary to effectively manage the state's wolf population."

Larry A. Konopacki
Wisconsin Legislative Council
(608) 267-0683
larry.konopacki@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2926/P1

MGG:med;ph&rs

stays

~~FILE~~ TUESDAY
1/10

D-N

P2
RUR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

providing an exemption from ^{emergency} rule-making procedures; extending the time limit for emergency rule procedures;

Draft

1 AN ACT **to repeal** 71.10 (5) (am); **to amend** 29.171 (4) (b) (intro.), 29.563 (14) (a)
2 3. and 29.563 (14) (c) 3.; and **to create** 20.370 (1) (Lv), 29.185 and 29.563 (4) (a)
3 3. of the statutes; **relating to:** hunting and trapping of wolves and making an
4 appropriation.

both and nonresidents

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources (DNR) to issue wolf harvesting licenses if the wolf is removed from the U.S. and Wisconsin lists of endangered and threatened species. Under the bill, ~~only~~ state residents may be issued a license. The license authorizes both the hunting and trapping of wolves. The bill requires that there be a single annual season for wolf hunting and trapping from October 15 through the end of February. Under the bill, DNR may limit the number of licenses issued and the number of wolves to be harvested. A wolf harvest license authorizes hunting and trapping throughout the state unless DNR closes an area in order to effectively manage the state's wolf population.

Under the bill, if the number of persons applying for a wolf harvesting license exceeds the number of licenses that will be issued, DNR shall issue the licenses based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for, but who were not issued, a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. Under the preference system, a person may elect to apply for a preference point instead of a license in a given year. Each person receiving a license will receive one tag.

The bill allows a resident or nonresident holder of a small game license to assist a person with a wolf harvesting license in hunting wolves, but the holder of the small game license may not shoot, take, catch, or kill a wolf. The bill specifies the types of firearms that may be used for wolf hunting and also allows the use of bows and arrows and crossbows for wolf hunting. A crossbow may be used by any person holding a wolf harvesting license. For hunting wolves, the bill allows the use of dogs for part of the season and allows the baiting of wolves with bait other than animal byproducts except for liquid scents. Hunting wolves at night is also authorized for part of the season.

The bill also requires that the fees paid for wolf harvesting licenses be used for wolf management and control activities.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

INS
ANL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.370 (1) (Lv) of the statutes is created to read:

20.370 (1) (Lv) *Wolf management*. All moneys received from the issuance of wolf harvesting licenses under s. 29.185 for wolf control under s. 29.885 and for wolf management activities.

INSERT
2-14

SECTION 2. 29.171 (4) (b) (intro.) of the statutes is amended to read:

29.171 (4) (b) (intro.) Except as provided in par. (bc), crossbows used in hunting as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b), 29.182 (3) (a), 29.184 (3) (c), 29.185 (5), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216 (2) shall meet all of the following specifications:

SECTION 3. 29.185 of the statutes is created to read:

29.185 Wolf harvesting licenses. (1) DEPARTMENT AUTHORITY. If the wolf ~~is not~~ ^{is not} ~~ceases to appear~~ on the U.S. list of endangered and threatened species, as it applies to this state, and ~~ceases to appear~~ ^{is not} on the list of endangered and threatened Wisconsin species that is established under s. 29.604 (3) (a), the department shall regulate the

1 hunting and trapping of wolves as provided in this section. In regulating wolf
2 hunting and trapping, the department may limit the number of wolf hunters and
3 trappers and the number of wolves that may be taken by issuing wolf harvesting
4 licenses.

5 (2) LICENSES REQUIRED. (a) *Prohibition*. Except as authorized under a wolf
6 harvesting license, no person may hunt or trap a wolf. ~~Only~~ residents are eligible for
7 wolf harvesting licenses. *Both* *and nonresidents*

8 (b) *Small game hunting licenses*. A person who holds a resident or nonresident
9 small game hunting license may assist a person holding a wolf harvesting license in
10 the hunting of wolves by tracking or trailing wolves or by baiting wolves. A person
11 holding such a small game hunting license may not shoot, shoot at, take, catch, or
12 kill a wolf. *29.216(2)* *hunting* *or a nonresident archer hunting license,*

13 (c) *Resident archer licenses and trapping licenses*. Notwithstanding ss. 29.171
14 (2) and 29.241 (3), a resident archer license ~~and~~ *or* a trapping license ~~do~~ *does* not authorize
15 the hunting or trapping of wolves.

16 (3) ISSUANCE OF LICENSES. (a) *Issuance; generally*. Except as provided in par.
17 (b), if the department establishes an open season as provided under sub. (4), the
18 department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting
19 license to each person who applies for the license, and who pays the required fees for
20 the license.

21 (b) *Cumulative preference system*. In issuing wolf harvesting licenses under
22 this subsection, the department shall determine the number of licenses that will be
23 available for a given year. If the number of qualified applications for wolf harvesting
24 licenses exceeds the number of licenses that are available, the department shall
25 select the applicants to be issued the license based on a cumulative preference

1 system. The system shall establish preference categories for those applicants who
2 applied for but who were not issued a wolf harvesting license in previous seasons,
3 with higher preference given to those applicants with more preference points. If the
4 number of applicants within a preference category exceeds the number of wolf
5 harvesting licenses available in the category, the department shall select at random
6 within the category the applicants to be issued the licenses. For each season, the
7 department shall allow each applicant to apply for a preference point or for a license.
8 The department shall give a preference point to each applicant who applies for a
9 preference point and to each applicant who applies for license but who is not selected.
10 An applicant who applies for either a preference point or a license at least once during
11 any 3 consecutive years shall not lose his or her acquired preference points under the

12 system. *A person applying under the system shall pay*
13 *the processing fee at the time of application.*
(c) *Preference system; on receipt of license.* A applicant who is selected to receive

14 a wolf harvesting license under the cumulative preference system established under
15 par. (b) may elect to receive a preference point instead of a license if he or she serving
16 on active duty in the U.S. armed forces or national guard during all or part of the wolf
17 harvesting season for which the license is issued.

18 (d) *Preference system; transfer of license.* A person who is issued a wolf
19 harvesting license under this subsection may transfer the license to another person
20 who is qualified to receive a wolf harvesting license and shall also transfer the
21 accompanying carcass tag. *A person may receive a transferred license only once in*

22 *his or her lifetime.*

23 (4) SEASONS; ZONES. (a) The department shall establish a single annual open
24 season for both hunting and trapping wolves that begins on October 15th of each year
25 and ends on the last day of February of the following year.

9
residents
or
non residents

1 (b) The department shall divide the entire state into wolf harvesting zones. The
2 total number of zones may not exceed 4. Each zone shall be open to both hunting and
3 trapping, except as provided in par. (c). A wolf harvesting license authorizes its
4 holder to hunt or trap or both in any of the zones.

5 (c) The department may close a wolf harvesting zone to either hunting or
6 trapping ~~or both~~ ^{of wolves} if the department determines that the closure is necessary to ^{or to both hunting and trapping of wolves}
7 effectively manage the state's wolf population. Closure of a wolf harvesting zone ^{under this paragraph} may
8 not take effect until at least 24 hours after the department has done all of the
9 following:

- 10 1. Posted notice of the closure on its Internet Web site.
- 11 2. Announced the closure on its telephone registration system.
- 12 3. Issued a press release announcing the closure.

13 (5) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES. (a) *Authorization; hunting.* ← INSERT 5-13

14 A wolf harvesting license authorizes the hunting of wolves by using any of the
15 following:

- 16 1. A firearm, as authorized under par. (b), a bow and arrow, or a crossbow.
- 17 2. Dogs to track or trail wolves, subject to par. (c).
- 18 3. Predator calls, including electronic calls.
- 19 4. Bait that does not involve animal parts or animal byproducts, other than
20 liquid scents. ^{or shotshells}

21 (b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting
22 with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs, and any
23 other firearm that is loaded with a single slug or ball. A wolf harvesting license
24 authorizes hunting with shotshells containing shot that is larger than size BB.

1 (c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the
2 first Monday that follows the last day of the regular season that is open to hunting
3 deer with firearms and ending on the last day of February of the following year.

4 2. No more than 6 dogs in a single pack may be used to trail or track a wolf,
5 regardless of the number of hunters assisting the holder of the wolf harvesting
6 license.

7 3. While a person is using a dog to hunt wolf, the person shall keep on his or
8 her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or 174.07
9 (1) (e).

10 (d) *Hunting at night.* A person may hunt wolves during nighttime beginning
11 with the first Monday that follows the last day of the regular season that is open to
12 hunting deer with firearms and ending on the last day of February of the following
13 year. The prohibitions under s. 29.314 (4) and (5) against shining wild animals do
14 not apply to the hunting of wolves as authorized under this section. A county
15 ordinance enacted under s. 29.314 (6) may not apply to the hunting of wolves as
16 authorized under this section.

17 (e) *Inapplicability of restrictions.* A person who is hunting as authorized under
18 a wolf harvesting license is not subject to any restrictions relating to hunting
19 seasons, zones, or times that the department imposes on the hunting of coyote.

20 (f) *Authorization; trapping.* A wolf harvesting license authorizes the use of
21 snares for trapping wolves.

22 **(6) TAGS; REGISTRATION.** (a) The department may not issue back tags to persons
23 who hold wolf harvesting licenses or who are assisting holders of wolf licenses as
24 authorized under sub. (2) (b).

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2926/P2ins
MGG:.....

Insert ANL

The bill requires DNR to administer a program under which payments may be made to persons for death or injury caused by wolves to livestock, to hunting dogs other than those being used in the hunting of wolves, and to pets. Under current law, DNR has promulgated rules establishing such a program. Under the bill, the moneys collected as fees for wolf harvesting licenses are to be used to make payments under this program. If, after making these payments, there^e are any moneys remaining, DNR may use the moneys for wolf management and control activities conducted by DNR.

Insert 2-14

SECTION 1. 20.370 (5) (fv) of the statutes is created to read:

20.370 (5) (fv) *Wolf depredation program.* All moneys received from the issuance of wolf harvesting licenses under s. 29.185 and all processing fees received as authorized under s. 29.553 (1) (hr) to be used for the wolf depredation program under s. 29.888. Notwithstanding s. 20.001 (3) (c), any balance in the appropriation at the end of each fiscal year shall lapse to the conservation fund.

Insert 5-13

(d) The department may close a wolf harvesting zone to hunting of coyotes during a season that authorizes hunting of deer with firearms if the department determines that the closure is necessary to effectively manage the state's wolf population. ¹⁰ Notwithstanding ss. 29.014 and 227.01(1) such closure need not be promulgated as a rule under

Insert 17-5

SECTION 2. 29.337 (1) (intro) of the statutes is amended to read:

(b) The department shall issue one wolf carcass tag to each person who is issued a wolf harvesting license under sub. (3). Each holder of a wolf harvesting license who kills a wolf shall immediately validate and attach the carcass tag to the wolf. No person may possess, control, store, or transport a wolf carcass unless it is tagged as required under this paragraph. The carcass tag shall be attached and validated in the manner required by the department. A person who kills a wolf shall register the carcass with the department on a telephone registration system or through an electronic notification system established by the department. The carcass tag may not be removed before registration. The removal of a carcass tag from a wolf before registration results in the wolf being untagged.

(c) A person who harvests a wolf that has an attached or implanted radio telemetry device shall return the device to the department. The department shall inform the person, upon his or her request, of any information that has been collected through the telemetry device or otherwise by the department that relates that the wolf that was harvested.

SECTION 4. 29.563[✓] (4) (a) 3. of the statutes is created to read:

29.563 (4) (a) 3. Wolf harvesting license: \$99.25.

SECTION 5. 29.563[✓] (14) (a) 3. of the statutes is amended to read:

29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses and wolf harvesting licenses: \$9.75.

SECTION 6. 29.563[✓] (14) (c) 3. of the statutes is amended to read:

29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat

SECTION 6

1 hunting and trapping permit, otter trapping permit, fisher trapping permit, or
2 sturgeon fishing permit: 25 cents.

3 ~~SECTION 7. 71.10 (5) (am) of the statutes is repealed~~

4 (END)

← INSERT 8-2

← INSERT 8-3

29.337 (1) (intro.) The owner or occupant of any land, and any member of his or her family, may hunt or trap beaver, coyotes, ~~wolves~~ foxes, raccoons, woodchucks, rabbits, and squirrels on the land without a license issued under this chapter or ch. 169 at any time, except as follows:

SECTION 3. 29.337 (1) (c) of the statutes is created to read:

29.337 (1) (c) Such persons may hunt wolves only during the month of February and only on land that is located in a wolf harvesting zone that is not closed to hunting under s. 29.185 (4) (c). Such persons shall register the carcass of any wolf killed with the department on a telephone registration system or through an electronic notification system established by the department.

Insert 7-17

SECTION 4. 29.553 (1) (hr) of the statutes is created to read:

29.553 (1) (hr) Wolf harvesting license.

SECTION 5. 29.563 (4) (b) 3. of the statutes is created to read:

29.563 (4) (b) 3. Wolf harvesting: \$499.25.

Insert 8-3

SECTION 6. 29.977 (1) (d) of the statutes is amended to read:

29.977 (1) (d) Any bobcat, fox, wolf, beaver, or otter, \$87.50.

History: 1975 c. 365; 1977 c. 386; 1979 c. 34; 1985 a. 332 s. 251 (1); 1995 a. 376; 1997 a. 27; 1997 a. 248 ss. 691 to 698; Stats. 1997 s. 29.977; 2001 a. 56, 109.

SECTION 7. 29.983 (1) (b) 4. of the statutes is amended to read:

29.983 (1) (b) 4. For any bobcat, fox, wolf, beaver, or otter, \$87.50.

History: 1991 a. 39; 1995 a. 201, 376; 1997 a. 248 s. 725; Stats. 1997 s. 29.983; 2001 a. 56, 109; 2003 a. 33, 139, 326.

SECTION 8. 29.888 of the statutes is created to read:

29.888 Wolf depredation program. (1) The department shall administer a wolf depredation program under which payments may be made to persons who apply for reimbursement for death or injury caused by wolves to livestock, to hunting

Move
to p.
3

dogs other than those being actively used in the hunting of wolves, and to pets and for management and control activities conducted by the department for the purpose of reducing such damage caused by wolves.

(2) The department shall establish maximum amounts that will be paid for under sub. (1) depending on the type of animal that suffered the death or injury. If the department determines that the total of the amount allocated for expenditure for such payments from the appropriation under s. 20.370 (1) (fs) and the amount available for such payments under the appropriation under s. 20.370 (5) (fv) is insufficient in a given fiscal year for making all of these payments, the department shall make the payments on a prorated basis.

(3) If, after making the payments under sub. (2), there are moneys remaining in the appropriation under s. 20.370 (5) (fv) for a given fiscal year, the department may use all or part of the remaining moneys in the following fiscal year for management and control of the wolf population activities conducted by the department.

(4) If there are any moneys remaining at the end of a given fiscal year after making the payments under sub. (2) and paying for activities authorized under sub (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001 (3) (c). is renumbered 167.31 (4) (e) (intro.) and

SECTION 9. 167.31 (4) (e) of the statutes is amended to read:

167.31 (4) (e) Subsection (2) (d) does not apply to ~~a~~ if the highway or roadway is surfaced with some material other than concrete or blacktop and if any of the following apply: ^e applies

1. The person who is legally hunting small game with a muzzle-loading firearm
or with a shotgun loaded with shotshell or chilled shot number BB or smaller, if the
~~surface of the highway or roadway is anything other than concrete or blacktop,~~

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246; 2011 a. 32, 35.

SECTION 10. 167.31 (4) (e) 2. of the statutes is created to read:

167.31 (4) (e) 2. The person is legally hunting wolves.

SECTION 11. Nonstatutory provisions.

(1) RULES.

(a) The department shall submit in proposed form any rules that are necessary to implement or interpret sections 29.185^{and 29.888} of the statutes, as created by this act, to the legislative council staff under section 227.15⁽¹⁾ of the statutes no later than the first day of the 4th month beginning after the effective date of this subsection^{paragraph}.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate any rules necessary to implement or interpret section 29.185^{and 29.888} of the statutes, as created by this act, for the period before the ~~effecting~~^{effective} date of the permanent rules that are submitted under subsection (a). ARX

Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection^{paragraph} remain in effect until the date on which the permanent rules take effect. Notwithstanding section 227.24 (1) (a) (2) (b) and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this subsection^{paragraph} as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this subsection^{paragraph}.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2926/P2dn

MGG:...

Date

DN

med

(3)

1. The preference system under s. 29.185 ~~(2)~~[✓](b) does not allow DNR to give priority to residents over nonresidents. OK?
2. The requirements for closing a wolf harvesting zone under s. 29.185 [✓](4) (c) 1. to 3. do not apply when closing a wolf harvesting zone under s. 29.185 (4) [✓](d). OK? Also, note I have added language exempting a closure under s. 29.185 (4) [✓](d) from being a rule. This language is necessary so that the closure may be done without promulgating a rule.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2926/P2dn

MGG:med:rs

January 9, 2012

1. The preference system under s. 29.185 (3) (b) does not allow DNR to give priority to residents over nonresidents. OK?
2. The requirements for closing a wolf harvesting zone under s. 29.185 (4) (c) 1. to 3. do not apply when closing a wolf harvesting zone under s. 29.185 (4) (d). OK? Also, note I have added language exempting a closure under s. 29.185 (4) (d) from being a rule. This language is necessary so that the closure may be done without promulgating a rule.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Konopacki, Larry
Sent: Thursday, January 12, 2012 2:36 PM
To: Gibson-Glass, Mary
Cc: Fladeboe, David
Subject: Wolf bill changes

for IP3

✓ Hi Mary, Representative Suder's office asked for the following points to be drafted into the wolf hunting bill:

- Change the bill to allow DNR to issue licenses for specified zones, instead of requiring them to allowing a licensee to hunt or trap in any zone until or unless that zone is closed.

✓ ~~NO~~ *Red Lt*

- Please change the wording for the season dates so that the DNR MAY begin the wolf season no earlier than October 15 and end the season no later than the last day in February.

✓ Remove the requirement that a person have a small game license to be able to assist a wolf license holder.

*any one
can
assist? yes*

✓ ~~Where~~ allowing the hunting of wolves at night, limit the use of lights to the point of kill, by amending s. 29.314(4)(b), Stats., so it is consistent with what is allowed for raccoon, coyotes and other furbearers.

✓ ~~Change~~ the trapping authorization use of ^{*only*} snares to "cable restraints", which are what are authorized for coyote trapping.

✓ Add authority to transfer wolf licenses upon death, s. 29.180, and to minors, s. 29.179, Stats.

*DNR includes
these,
not only
these*



State of Wisconsin
2011 - 2012 LEGISLATURE



RMR

P3

LRB-2926/Pr

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stays

Mon

ON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 167.31 (4) (e); *to amend* 29.171 (4) (b) (intro.),
2 29.337 (1) (intro.), 29.563 (14) (a) 3., 29.563 (14) (c) 3., 29.977 (1) (d) and 29.983
3 (1) (b) 4.; and *to create* 20.370 (5) (fv), 29.185, 29.337 (1) (c), 29.553 (1) (hr),
4 29.563 (4) (a) 3., 29.563 (4) (b) 3., 29.888 and 167.31 (4) (e) 2. of the statutes;
5 **relating to:** hunting and trapping of wolves, providing an exemption from
6 emergency rule procedures, extending the time limit for emergency rule
7 procedures, and making an appropriation.

INS ANLA

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources (DNR) to issue wolf harvesting licenses if the wolf is removed from the U.S. and Wisconsin lists of endangered and threatened species. Under the bill, both state residents and nonresidents may be issued a license. The license authorizes both the hunting and trapping of wolves. The bill requires that there be a single annual season for wolf hunting and trapping from October 15 through the end of February. Under the bill, DNR may limit the number of licenses issued and the number of wolves to be harvested. ~~A wolf harvest license authorizes hunting and trapping throughout the state unless DNR closes an area in order to effectively manage the state's wolf population.~~

Under the bill, if the number of persons applying for a wolf harvesting license exceeds the number of licenses that will be issued, DNR shall issue the licenses based

INSERT ANL B

The bill allows the transfer of licenses and preference points under certain circumstances

on a cumulative preference system. The system shall establish preference categories for those applicants who applied for, but who were not issued, a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. Under the preference system, a person may elect to apply for a preference point instead of a license in a given year. Each person receiving a license will receive one tag.

The bill allows a resident or nonresident holder of a small game license to assist a person with a wolf harvesting license in hunting wolves, but the holder of the small game license may not shoot, take, catch, or kill a wolf. The bill specifies the types of firearms that may be used for wolf hunting and also allows the use of bows and arrows and crossbows for wolf hunting. A crossbow may be used by any person holding a wolf harvesting license. For hunting wolves, the bill allows the use of dogs for part of the season and allows the baiting of wolves with bait other than animal byproducts except for liquid scents. Hunting wolves at night is also authorized for part of the season.

The bill requires DNR to administer a program under which payments may be made to persons for death or injury caused by wolves to livestock, to hunting dogs other than those being used in the hunting of wolves, and to pets. Under current law, DNR has promulgated rules establishing such a program. Under the bill, the moneys collected as fees for wolf harvesting licenses are to be used to make payments under this program. If, after making these payments, there are any moneys remaining, DNR may use the moneys for wolf management and control activities conducted by DNR.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.370 (5) (fv) of the statutes is created to read:

20.370 (5) (fv) *Wolf depredation program.* All moneys received from the issuance of wolf harvesting licenses under s. 29.185 and all processing fees received as authorized under s. 29.553 (1) (hr) to be used for the wolf depredation program under s. 29.888.

← INSERT 2-5

SECTION 2. 29.171 (4) (b) (intro.) of the statutes is amended to read:

29.171 (4) (b) (intro.) Except as provided in par. (bc), crossbows used in hunting as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or

under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b), 29.182 (3) (a), 29.184 (3) (c), 29.185 (5), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216 (2) shall meet all of the following specifications:

← INSERT 3-3

SECTION 3. 29.185 of the statutes is created to read:

29.185 Wolf harvesting licenses. (1) **DEPARTMENT AUTHORITY.** If the wolf is not on the U.S. list of endangered and threatened species, as it applies to this state, and is not on the list of endangered and threatened Wisconsin species that is established under s. 29.604 (3) (a), the department shall regulate the hunting and trapping of wolves as provided in this section. In regulating wolf hunting and trapping, the department may limit the number of wolf hunters and trappers and the number of wolves that may be taken by issuing wolf harvesting licenses.

(2) **LICENSES REQUIRED.** (a) *Prohibition.* Except as authorized under a wolf harvesting license, no person may hunt or trap a wolf. Both residents and nonresidents are eligible for wolf harvesting licenses.

(b) *Small game hunting licenses.* A person who holds a resident or nonresident small game hunting license may assist a person holding a wolf harvesting license in the hunting of wolves by tracking or trailing wolves or by baiting wolves. A person holding such a small game hunting license may not shoot, shoot at, take, catch, or kill a wolf.

(b) ~~(b)~~ *Resident archer licenses and trapping licenses.* Notwithstanding ss. 29.171 (2), 29.216 (2), and 29.241 (3), a resident archer hunting license, a nonresident archer hunting license, or a trapping license does not authorize the hunting or trapping of wolves.

(3) **ISSUANCE OF LICENSES.** (a) *Issuance; generally.* Except as provided in par. (b), if the department establishes an open season as provided under sub. (4), the

1 department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting
2 license to each person who applies for the license, and who pays the required fees for
3 the license.

4 (b) *Cumulative preference system.* In issuing wolf harvesting licenses under
5 this subsection, the department shall determine the number of licenses that will be
6 available for a given year. If the number of qualified applications for wolf harvesting
7 licenses exceeds the number of licenses that are available, the department shall
8 select the applicants to be issued the license based on a cumulative preference
9 system. The system shall establish preference categories for those applicants who
10 applied for but who were not issued a wolf harvesting license in previous seasons,
11 with higher preference given to those applicants with more preference points. If the
12 number of applicants within a preference category exceeds the number of wolf
13 harvesting licenses available in the category, the department shall select at random
14 within the category the applicants to be issued the licenses. For each season, the
15 department shall allow each applicant to apply for a preference point or for a license.
16 The department shall give a preference point to each applicant who applies for a
17 preference point and to each applicant who applies for license but who is not selected.
18 An applicant who applies for either a preference point or a license at least once during
19 any 3 consecutive years shall not lose his or her acquired preference points under the
20 system. A person applying under the system shall pay the processing fee at the time
21 of application.

22 (c) *Preference system; on receipt of license.* A applicant who is selected to receive
23 a wolf harvesting license under the cumulative preference system established under
24 par. (b) may elect to receive a preference point instead of a license if he or she serving

on active duty in the U.S. armed forces or national guard during all or part of the wolf harvesting season for which the license is issued.

(d) *Preference system; transfer of license.* A person who is issued a wolf harvesting license ~~under this subsection~~ may transfer the license to another person ^{at least 18 years of age and} who is qualified to receive a wolf harvesting license and shall also transfer the accompanying carcass tag.

(4) SEASONS; ZONES. (a) The department shall establish a single annual open season for both hunting and trapping wolves that begins on October 15th of each year and ends on the last day of February of the following year.

(b) The department shall divide the entire state into wolf harvesting zones. The total number of zones may not exceed 4. Each zone shall be open to both hunting and trapping, except as provided in par. (c). A wolf harvesting license authorizes its holder to hunt or trap or both ^{only in the zone specified on the license} ~~in any of the zones.~~

(c) The department may close a wolf harvesting zone to either hunting or trapping of wolves, or to both hunting and trapping of wolves, if the department determines that the closure is necessary to effectively manage the state's wolf population. Closure of a wolf harvesting zone under this paragraph may not take effect until at least 24 hours after the department has done all of the following:

1. Posted notice of the closure on its Internet Web site.
2. Announced the closure on its telephone registration system.
3. Issued a press release announcing the closure.

(d) The department may close a wolf harvesting zone to hunting of coyotes during a season that authorizes hunting of deer with firearms if the department determines that the closure is necessary to effectively manage the state's wolf

Sentence
from P. 6
lines 1+2

move to ***
on p. 5 line 17
change to (<)

1 population. Notwithstanding ss. 29.014 and 227.10 (1) such closure need not be
2 promulgated as a rule under ch. 227.

3 (5) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES. (a) *Authorization; hunting.*

4 A wolf harvesting license authorizes the hunting of wolves by using any of the
5 following:

- 6 1. A firearm, as authorized under par. (b), a bow and arrow, or a crossbow.
- 7 2. Dogs to track or trail wolves, subject to par. (c).
- 8 3. Predator calls, including electronic calls.
- 9 4. Bait that does not involve animal parts or animal byproducts, other than
10 liquid scents.

11 (b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting
12 with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs or
13 shotshells, and any other firearm that is loaded with a single slug or ball. A wolf
14 harvesting license authorizes hunting with shot that is larger than size BB.

15 (c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the
16 first Monday that follows the last day of the regular season that is open to hunting
17 deer with firearms and ending on the last day of February of the following year.

18 2. No more than 6 dogs in a single pack may be used to trail or track a wolf,
19 regardless of the number of hunters assisting the holder of the wolf harvesting
20 license.

21 3. While a person is using a dog to hunt wolf, the person shall keep on his or
22 her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or 174.07
23 (1) (e).

24 (d) *Hunting at night.* A person may hunt wolves during nighttime beginning
25 with the first Monday that follows the last day of the regular season that is open to

1 hunting deer with firearms and ending on the last day of February of the following
2 year. The prohibitions under s. 29.314 (4) and (5) against shining wild animals do
3 not apply to the hunting of wolves as authorized under this section. A county
4 ordinance enacted under s. 29.314 (6) may not apply to the hunting of wolves as
5 authorized under this section.

6 (e) *Inapplicability of restrictions.* A person who is hunting as authorized under
7 a wolf harvesting license is not subject to any restrictions relating to hunting
8 seasons, zones, or times that the department imposes on the hunting of coyote.

9 (f) *Authorization; trapping.* A wolf harvesting license authorizes the use of
10 *cable restraints and any other type of trap, as* *INS 7-10*
~~spare~~ for trapping wolves.

11 (6) TAGS; REGISTRATION. (a) The department may not issue back tags to persons
12 who hold wolf harvesting licenses or who are assisting holders of wolf licenses as
13 authorized under sub. (2) (b).

14 (a) *(b)* The department shall issue one wolf carcass tag to each person who is issued
15 a wolf harvesting license under sub. (3). Each holder of a wolf harvesting license who
16 kills a wolf shall immediately validate and attach the carcass tag to the wolf. No
17 person may possess, control, store, or transport a wolf carcass unless it is tagged as
18 required under this paragraph. The carcass tag shall be attached and validated in
19 the manner required by the department. A person who kills a wolf shall register the
20 carcass with the department on a telephone registration system or through an
21 electronic notification system established by the department. The carcass tag may
22 not be removed before registration. The removal of a carcass tag from a wolf before
23 registration results in the wolf being untagged.

24 (b) ~~(a)~~ A person who harvests a wolf that has an attached or implanted radio
25 telemetry device shall return the device to the department. The department shall

1 inform the person, upon his or her request, of any information that has been collected
2 through the telemetry device or otherwise by the department that relates that the
3 wolf that was harvested.

4 **SECTION 4.** 29.337 (1) (intro.) of the statutes is amended to read:

5 29.337 (1) (intro.) The owner or occupant of any land, and any member of his
6 or her family, may hunt or trap beaver, coyotes, wolves, foxes, raccoons, woodchucks,
7 rabbits, and squirrels on the land without a license issued under this chapter or ch.
8 169 at any time, except as follows:

9 **SECTION 5.** 29.337 (1) (c) of the statutes is created to read:

10 29.337 (1) (c) Such persons may hunt wolves only during the month of February
11 and only on land that is located in a wolf harvesting zone that is not closed to hunting
12 under s. 29.185 (4) (c). Such persons shall register the carcass of any wolf killed with
13 the department on a telephone registration system or through an electronic
14 notification system established by the department.

15 **SECTION 6.** 29.553 (1) (hr) of the statutes is created to read:

16 29.553 (1) (hr) Wolf harvesting license.

17 **SECTION 7.** 29.563 (4) (a) 3. of the statutes is created to read:

18 29.563 (4) (a) 3. Wolf harvesting: \$99.25.

19 **SECTION 8.** 29.563 (4) (b) 3. of the statutes is created to read:

20 29.563 (4) (b) 3. Wolf harvesting: \$499.25.

21 **SECTION 9.** 29.563 (14) (a) 3. of the statutes is amended to read:

22 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses
23 and wolf harvesting licenses: \$9.75.

24 **SECTION 10.** 29.563 (14) (c) 3. of the statutes is amended to read:

← INSERT 8-3

1 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
2 hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting
3 license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat
4 hunting and trapping permit, otter trapping permit, fisher trapping permit, or
5 sturgeon fishing permit: 25 cents.

6 **SECTION 11.** 29.888 of the statutes is created to read:

7 **29.888 Wolf depredation program.** (1) The department shall administer
8 a wolf depredation program under which payments may be made to persons who
9 apply for reimbursement for death or injury caused by wolves to livestock, to hunting
10 dogs other than those being actively used in the hunting of wolves, and to pets and
11 for management and control activities conducted by the department for the purpose
12 of reducing such damage caused by wolves.

13 (2) The department shall establish maximum amounts that will be paid under
14 sub. (1) depending on the type of animal that suffered the death or injury. If the
15 department determines that the total of the amount allocated for expenditure for
16 such payments from the appropriation under s. 20.370 (1) (fs) and the amount
17 available for such payments under the appropriation under s. 20.370 (5) (fv) is
18 insufficient in a given fiscal year for making all of these payments, the department
19 shall make the payments on a prorated basis.

20 (3) If, after making the payments under sub. (2), there are moneys remaining
21 in the appropriation under s. 20.370 (5) (fr) for a given fiscal year, the department
22 may use all or part of the remaining moneys in the following fiscal year for
23 management and control of the wolf population activities conducted by the
24 department.

(4) If there are any moneys remaining at the end of a given fiscal year after making the payments under sub. (2) and paying for activities authorized under sub (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001 (3) (c).

SECTION 12. 29.977 (1) (d) of the statutes is amended to read:

29.977 (1) (d) Any bobcat, fox, wolf, beaver, or otter, \$87.50.

SECTION 13. 29.983 (1) (b) 4. of the statutes is amended to read:

29.983 (1) (b) 4. For any bobcat, fox, wolf, beaver, or otter, \$87.50.

SECTION 14. 167.31 (4) (e) of the statutes is renumbered 167.31 (4) (e) (intro.) and amended to read:

167.31 (4) (e) (intro.) Subsection (2) (d) does not apply ~~to a~~ if the highway or roadway is surfaced with some material other than concrete or blacktop and if any of the following applies:

1. The person who is legally hunting small game with a muzzle-loading firearm or with a shotgun loaded with shotshell or chilled shot number BB or smaller, ~~if the surface of the highway or roadway is anything other than concrete or blacktop.~~

SECTION 15. 167.31 (4) (e) 2. of the statutes is created to read:

167.31 (4) (e) 2. The person is legally hunting wolves.

SECTION 16. Nonstatutory provisions.

(1) RULES.

(a) The department of natural resources shall submit in proposed form any rules that are necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate any rules necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, for the period before the effective date of the permanent rules that are submitted under subsection (1). Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this paragraph remain in effect until the date on which the permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this paragraph.

(END)
Date
the interpretation
between D-Note

-2926/P3Dn
MGG:med

Please review ~~the~~ ss. 29.179 and 29.180 under current law and ~~their relationship~~ the ~~creation~~ provision under of s. 29.185 (3)(d), which is ^{created} created in this bill. ~~Transfers~~ As drafted, transfers to minors will be covered under ss. 29.179 and 29.180, and transfers to adults will be covered under s. 29.185 (3)(d). Let me know if you want any changes.

MB

Section #. 29.024 (2) (d) of the statutes is amended to read:

29.185(3)(d),

29.024 (2) (d) Except as provided under s. 29.179, 29.180, 29.182 (4), or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit the use of any approval by any other person.

History: 1997 a. 248 ss. 90, 91, 123 to 134, 161; 1997 a. 249 ss. 1, 2; 1999 a. 9, 32; 2001 a. 17, 56, 105, 107, 109; 2003 a. 59, 249; 2005 a. 88, 387; 2007 a. 20, 65; 2009 a. 38.

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2926/P3ins
MGG:.....

INS ANL A

The bill requires DNR to divide the state into up to ^{g four}4 wolf harvesting zones. ^{only}
A wolf harvesting license authorizes the license holder to hunt or trap or both in the
zone that is specified on the license.

INS ANL B

Under the bill, the types of traps that may be used for trapping wolves ~~shall~~ ^{must}
include cable restraints. A cable restraint is a type of trap using a noose made of
cables.

INS 3-3

SECTION 1. 29.179 (1) (a) 10m. of the statutes is created to read:

29.179 (1) (a) 10m. Wolf harvesting license.

SECTION 2. 29.180 (1) (a) 10m. of the statutes is created to read:

29.180 (1) (a) 10m. Wolf harvesting license.

INS 7-10

(f) *Trapping; types of traps.* The types of traps that shall be authorized by the
department for trapping wolves shall include cable restraints.

INS 8-3

SECTION 3. 29.314 (4) (b) 2. of the statutes is amended to read:

29.314 (4) (b) 2. To a person who possesses a flashlight or who uses a flashlight
at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or
other unprotected animals during the open season for the animals hunted.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

SECTION 4. 29.314 (5) (b) 2. of the statutes is amended to read:

1 29.314 (5) (b) 2. To a person who possesses a flashlight or who uses a flashlight
2 at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or
3 other unprotected animals during the open season for the animals hunted.

History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2926/P3dn

MGG:med:rs

January 23, 2012

Please review the interrelationship between ss. 29.179 and 29.180 under current law and the provision under s. 29.185 (3) (d), which is created in this bill. As drafted, transfers to minors will be covered under ss. 29.179 and 29.180, and transfers to adults will be covered under s. 29.185 (3) (d). Let me know if you want any changes.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2926/Pa-1
MGG:med:rs

Thus

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2011 BILL

Regen

✓

1 AN ACT *to renumber and amend* 167.31 (4) (e); *to amend* 29.024 (2) (d), 29.171
2 (4) (b) (intro.), 29.314 (4) (b) 2., 29.314 (5) (b) 2., 29.337 (1) (intro.), 29.563 (14)
3 (a) 3., 29.563 (14) (c) 3., 29.977 (1) (d) and 29.983 (1) (b) 4.; and *to create* 20.370
4 (5) (fv), 29.179 (1) (a) 10m., 29.180 (1) (a) 10m., 29.185, 29.337 (1) (c), 29.553 (1)
5 (hr), 29.563 (4) (a) 3., 29.563 (4) (b) 3., 29.888 and 167.31 (4) (e) 2. of the statutes;
6 **relating to:** hunting and trapping of wolves, providing an exemption from
7 emergency rule procedures, extending the time limit for emergency rule
8 procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources (DNR) to issue wolf harvesting licenses if the wolf is removed from the U.S. and Wisconsin lists of endangered and threatened species. Under the bill, both state residents and nonresidents may be issued a license. The license authorizes both the hunting and trapping of wolves. The bill requires that there be a single annual season for wolf hunting and trapping from October 15 through the end of February. Under the bill, DNR may limit the number of licenses issued and the number of wolves to be harvested. The bill requires DNR to divide the state into up to four wolf harvesting zones. A wolf harvesting license authorizes the license holder to hunt or trap or both only in the zone that is specified on the license.

Under the bill, if the number of persons applying for a wolf harvesting license exceeds the number of licenses that will be issued, DNR shall issue the licenses based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for, but who were not issued, a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. Under the preference system, a person may elect to apply for a preference point instead of a license in a given year. Each person receiving a license will receive one tag. The bill also allows the transfer of licenses and preference points under certain circumstances.

The bill specifies the types of firearms that may be used for wolf hunting and also allows the use of bows and arrows and crossbows for wolf hunting. A crossbow may be used by any person holding a wolf harvesting license. For hunting wolves, the bill allows the use of dogs for part of the season and allows the baiting of wolves with bait other than animal byproducts except for liquid scents. Hunting wolves at night is also authorized for part of the season. Under the bill, the types of traps that may be used for trapping wolves must include cable restraints. A cable restraint is a type of trap using a noose made of cables.

The bill requires DNR to administer a program under which payments may be made to persons for death or injury caused by wolves to livestock, to hunting dogs other than those being used in the hunting of wolves, and to pets. Under current law, DNR has promulgated rules establishing such a program. Under the bill, the moneys collected as fees for wolf harvesting licenses are to be used to make payments under this program. If, after making these payments, there are any moneys remaining, DNR may use the moneys for wolf management and control activities conducted by DNR.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (5) (fv) of the statutes is created to read:

2 20.370 (5) (fv) *Wolf depredation program.* All moneys received from the
3 issuance of wolf harvesting licenses under s. 29.185 and all processing fees received
4 as authorized under s. 29.553 (1) (hr) to be used for the wolf depredation program
5 under s. 29.888.

6 **SECTION 2.** 29.024 (2) (d) of the statutes is amended to read:

1

29.024 (2) (d) Except as provided under s. 29.179, 29.180, 29.182 (4), 29.185 (3)

2

(d), or 29.519 (2) (d) or by rule, no person may transfer his or her approval or permit

3

the use of any approval by any other person.

4

SECTION 3. 29.171 (4) (b) (intro.) of the statutes is amended to read:

5

29.171 (4) (b) (intro.) Except as provided in par. (bc), crossbows used in hunting

6

as authorized by a Class A, Class B or Class C permit issued under s. 29.193 (2) or

7

under this subsection or as authorized under sub. (2m) or s. 29.161 (2), 29.164 (2) (b),

8

29.182 (3) (a), 29.184 (3) (c), 29.185 (3), 29.204 (2), 29.207 (2), 29.213 (2), or 29.216

9

(2) shall meet all of the following specifications:

10

SECTION 4. 29.179 (1) (a) 10m. of the statutes is created to read:

11

29.179 (1) (a) 10m. Wolf harvesting license.

12

SECTION 5. 29.180 (1) (a) 10m. of the statutes is created to read:

13

29.180 (1) (a) 10m. Wolf harvesting license.

14

SECTION 6. 29.185 of the statutes is created to read:

15

29.185 Wolf harvesting licenses. (1) DEPARTMENT AUTHORITY. If the wolf is

16

not on the U.S. list of endangered and threatened species, as it applies to this state,

17

and is not on the list of endangered and threatened Wisconsin species that is

18

established under s. 29.604 (3) (a), the department shall regulate the hunting and

19

trapping of wolves as provided in this section. In regulating wolf hunting and

20

trapping, the department may limit the number of wolf hunters and trappers and the

21

number of wolves that may be taken by issuing wolf harvesting licenses.

22

(2) LICENSES REQUIRED. (a) Prohibition. Except as authorized under a wolf

23

harvesting license, no person may hunt or trap a wolf. Both residents and

24

nonresidents are eligible for wolf harvesting licenses.

(b) *Resident archer licenses and trapping licenses.* Notwithstanding ss. 29.171 (2), 29.216 (2), and 29.241 (3), a resident archer hunting license, a nonresident archer hunting license, or a trapping license does not authorize the hunting or trapping of wolves.

(3) ISSUANCE OF LICENSES. (a) *Issuance; generally.* Except as provided in par. (b), if the department establishes an open season as provided under sub. (5), the department, subject to ss. 29.024 and 54.25 (2) (c) 1. d., shall issue a wolf harvesting license to each person who applies for the license, and who pays the required fees for the license.

(b) *Cumulative preference system.* In issuing wolf harvesting licenses under this subsection, the department shall determine the number of licenses that will be available for a given year. If the number of qualified applications for wolf harvesting licenses exceeds the number of licenses that are available, the department shall select the applicants to be issued the license based on a cumulative preference system. The system shall establish preference categories for those applicants who applied for but who were not issued a wolf harvesting license in previous seasons, with higher preference given to those applicants with more preference points. If the number of applicants within a preference category exceeds the number of wolf harvesting licenses available in the category, the department shall select at random within the category the applicants to be issued the licenses. For each season, the department shall allow each applicant to apply for a preference point or for a license. The department shall give a preference point to each applicant who applies for a preference point and to each applicant who applies for license but who is not selected. An applicant who applies for either a preference point or a license at least once during any 3 consecutive years shall not lose his or her acquired preference points under the

1 system. A person applying under the system shall pay the processing fee at the time
2 of application.

3 (c) *Preference system; on receipt of license.* A applicant who is selected to receive
4 a wolf harvesting license under the cumulative preference system established under
5 par. (b) [✓] may elect to receive a preference point instead of a license if he or she serving
6 on active duty in the U.S. armed forces or national guard during all or part of the wolf
7 harvesting season for which the license is issued.

8 (d) *Preference system; transfer of license.* A person who is issued a wolf
9 harvesting license under this subsection may transfer the license to another person
10 who is at least 18 years of age and qualified to receive a wolf harvesting license and
11 shall also transfer the accompanying carcass tag. ← INSERT 5-11 ✓

12 ^{(B) (5) (4)} SEASONS; ZONES. (a) The department shall establish a single annual open
13 season for both hunting and trapping wolves that begins on October 15th of each year
14 and ends on the last day of February of the following year.

15 (b) The department shall divide the entire state into wolf harvesting zones. The
16 total number of zones may not exceed 4. Each zone shall be open to both hunting and
17 trapping, except as provided in par. (c). [✓] A wolf harvesting license authorizes its
18 holder to hunt or trap or both only in the zone specified on the license.

19 (c) The department may close a wolf harvesting zone to either hunting or ^{has to be both}
20 ~~trapping of wolves, or~~ ^{KEEP} both hunting and trapping of wolves, if the department
21 determines that the closure is necessary to effectively manage the state's wolf
22 population. Notwithstanding ss. 29.014 and 227.10 (1) such closure need not be
23 promulgated as a rule under ch. 227. Closure of a wolf harvesting zone under this
24 paragraph may not take effect until at least 24 hours after the department has done
25 all of the following:

1 1. Posted notice of the closure on its Internet Web site.

2 2. Announced the closure on its telephone registration system.

3 3. Issued a press release announcing the closure.

4 (d) The department may close a wolf harvesting zone to hunting of coyotes
5 during a season that authorizes hunting of deer with firearms if the department
6 determines that the closure is necessary to effectively manage the state's wolf
7 population.

8 ~~(4)~~ ^e ~~(5)~~ (6) AUTHORIZED HUNTING AND TRAPPING ACTIVITIES. (a) *Authorization; hunting.*

9 A wolf harvesting license authorizes the hunting of wolves by using any of the
10 following:

11 1. A firearm, as authorized under par. (b),[✓] a bow and arrow, or a crossbow.

12 2. Dogs to track or trail wolves, subject to par. (c).[✓]

13 3. Predator calls, including electronic calls.

14 4. Bait that does not involve animal parts or animal byproducts, other than
15 liquid scents.

16 (b) *Firearms and ammunition.* A wolf harvesting license authorizes hunting
17 with a rifle, a muzzle-loading firearm, a handgun, a shotgun that fires slugs or
18 shotshells, and any other firearm that is loaded with a single slug or ball. A wolf
19 harvesting license authorizes hunting with shot that is larger than size BB.

20 (c) *Use of dogs.* 1. A person may hunt wolves using dogs beginning with the
21 first Monday that follows the last day of the regular season that is open to hunting
22 deer with firearms and ending on the last day of February of the following year.

23 2. No more than 6 dogs in a single pack may be used to trail or track a wolf,
24 regardless of the number of hunters assisting the holder of the wolf harvesting
25 license.

1 3. While a person is using a dog to hunt wolf, the person shall keep on his or
2 her person any tag required for the dog under s. 95.21 (2) (f), 174.053 (2), or 174.07
3 (1) (e).

4 (d) *Hunting at night.* A person may hunt wolves during nighttime beginning
5 with the first Monday that follows the last day of the regular season that is open to
6 hunting deer with firearms and ending on the last day of February of the following
7 year.

8 (e) *Inapplicability of restrictions.* A person who is hunting as authorized under
9 a wolf harvesting license is not subject to any restrictions relating to hunting
10 seasons, zones, or times that the department imposes on the hunting of coyote.

11 (f) *Trapping; types of traps.* The types of traps that shall be authorized by the
12 department for trapping wolves shall include cable restraints.

13 (4) (7) (6) TAGS; REGISTRATION. (a) The department shall issue one wolf carcass tag to
14 each person who is issued a wolf harvesting license under sub. (3). Each holder of
15 a wolf harvesting license who kills a wolf shall immediately validate and attach the
16 carcass tag to the wolf. No person may possess, control, store, or transport a wolf
17 carcass unless it is tagged as required under this paragraph. The carcass tag shall
18 be attached and validated in the manner required by the department. A person who
19 kills a wolf shall register the carcass with the department on a telephone registration
20 system or through an electronic notification system established by the department.
21 The carcass tag may not be removed before registration. The removal of a carcass
22 tag from a wolf before registration results in the wolf being untagged.

23 (b) A person who harvests a wolf that has an attached or implanted radio
24 telemetry device shall return the device to the department. The department shall
25 inform the person, upon his or her request, of any information that has been collected

1 through the telemetry device or otherwise by the department that relates that the
2 wolf that was harvested.

3 **SECTION 7.** 29.314 (4) (b) 2. of the statutes is amended to read:

4 29.314 (4) (b) 2. To a person who possesses a flashlight or who uses a flashlight
5 at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or
6 other unprotected animals during the open season for the animals hunted.

7 **SECTION 8.** 29.314 (5) (b) 2. of the statutes is amended to read:

8 29.314 (5) (b) 2. To a person who possesses a flashlight or who uses a flashlight
9 at the point of kill while hunting on foot for wolves or for raccoons, foxes, coyotes, or
10 other unprotected animals during the open season for the animals hunted.

11 **SECTION 9.** 29.337 (1) (intro.) of the statutes is amended to read:

12 29.337 (1) (intro.) The owner or occupant of any land, and any member of his
13 or her family, may hunt or trap beaver, coyotes, wolves, foxes, raccoons, woodchucks,
14 rabbits, and squirrels on the land without a license issued under this chapter or ch.
15 169 at any time, except as follows:

16 **SECTION 10.** 29.337 (1) (c) of the statutes is created to read:

17 29.337 (1) (c) Such persons may hunt wolves only during the month of February
18 and only on land that is located in a wolf harvesting zone that is not closed to hunting
19 under s. 29.185 (4) (c). Such persons shall register the carcass of any wolf killed with
20 the department on a telephone registration system or through an electronic
21 notification system established by the department.

22 **SECTION 11.** 29.553 (1) (hr) of the statutes is created to read:

23 29.553 (1) (hr) Wolf harvesting license.

24 **SECTION 12.** 29.563 (4) (a) 3. of the statutes is created to read:

25 29.563 (4) (a) 3. Wolf harvesting: \$99.25.

1 **SECTION 13.** 29.563 (4) (b) 3. of the statutes is created to read:

2 29.563 (4) (b) 3. Wolf harvesting: \$499.25.

3 **SECTION 14.** 29.563 (14) (a) 3. of the statutes is amended to read:

4 29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses
5 and wolf harvesting licenses: \$9.75.

6 **SECTION 15.** 29.563 (14) (c) 3. of the statutes is amended to read:

7 29.563 (14) (c) 3. Each application for a hunter's choice permit, bonus deer
8 hunting permit, elk hunting license, wild turkey hunting license, wolf harvesting
9 license, Canada goose hunting permit, sharp-tailed grouse hunting permit, bobcat
10 hunting and trapping permit, otter trapping permit, fisher trapping permit, or
11 sturgeon fishing permit: 25 cents.

12 **SECTION 16.** 29.888 of the statutes is created to read:

13 **29.888 Wolf depredation program.** (1) The department shall administer
14 a wolf depredation program under which payments may be made to persons who
15 apply for reimbursement for death or injury caused by wolves to livestock, to hunting
16 dogs other than those being actively used in the hunting of wolves, and to pets and
17 for management and control activities conducted by the department for the purpose
18 of reducing such damage caused by wolves.

19 (2) The department shall establish maximum amounts that will be paid under
20 sub. (1) depending on the type of animal that suffered the death or injury. If the
21 department determines that the total of the amount allocated for expenditure for
22 such payments from the appropriation under s. 20.370 (1) (fs) and the amount
23 available for such payments under the appropriation under s. 20.370 (5) [✓](fv) is
24 insufficient in a given fiscal year for making all of these payments, the department
25 shall make the payments on a prorated basis.

(3) If, after making the payments under sub. (2), there are moneys remaining in the appropriation under s. 20.370 (5) ^{g (fv)} ~~fr~~ for a given fiscal year, the department may use all or part of the remaining moneys in the following fiscal year for management and control of the wolf population activities conducted by the department.

(4) If there are any moneys remaining at the end of a given fiscal year after making the payments under sub. (2) and paying for activities authorized under sub (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001 (3) (c).

SECTION 17. 29.977 (1) (d) of the statutes is amended to read:

29.977 (1) (d) Any bobcat, fox, wolf, beaver, or otter, \$87.50.

SECTION 18. 29.983 (1) (b) 4. of the statutes is amended to read:

29.983 (1) (b) 4. For any bobcat, fox, wolf, beaver, or otter, \$87.50.

SECTION 19. 167.31 (4) (e) of the statutes is renumbered 167.31 (4) (e) (intro.) and amended to read:

167.31 (4) (e) (intro.) Subsection (2) (d) does not apply ~~to a~~ if the highway or roadway is surfaced with some material other than concrete or blacktop and if any of the following applies:

1. The person who is legally hunting small game with a muzzle-loading firearm or with a shotgun loaded with shotshell or chilled shot number BB or smaller, if the surface of the highway or roadway is anything other than concrete or blacktop.

SECTION 20. 167.31 (4) (e) 2. of the statutes is created to read:

167.31 (4) (e) 2. The person is legally hunting wolves.

SECTION 21. Nonstatutory provisions.

(1) RULES.

(a) The department of natural resources shall submit in proposed form any rules that are necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate any rules necessary to implement or interpret sections 29.185 and 29.888 of the statutes, as created by this act, for the period before the effective date of the permanent rules that are submitted under subsection (1). Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this paragraph remain in effect until the date on which the permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this paragraph.

(END)

2011-2012 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

LRB-2926/lins
MGG:.....

Insert 5-11

(4) TRANSFER OF LICENSE. (a) Upon application by a holder of a wolf harvesting license to the department to transfer the license to another person and upon payment of any fee required under par. (b), the department shall transfer the license if the application is made no later than the 15 days immediately preceding the first day of the wolf harvesting season if the person to whom the license ~~will be~~ ^{is} transferred is at least 18 years of age and is otherwise eligible to use the license. The accompanying carcass tag ~~will~~ ^{e shall} also be transferred.

(b) If the holder of the wolf harvesting license is a resident and the holder applies to transfer the license to a nonresident, the holder shall pay, at the time of application, any difference between the fee for issuing the license to a resident and the fee for issuing the license to a nonresident.

(c) A holder of a license being transferred under this section may not receive any consideration for the transfer of the license.

end of
(ins 5-11)

Godwin, Gigi

From: Fladeboe, David
Sent: Thursday, January 26, 2012 11:54 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-2926/1 Topic: Wolf hunting and trapping

Please Jacket LRB 11-2926/1 for the ASSEMBLY.